

TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS



MEMBERS OF THE BOARD

Brian Brumley, LMSW-IPR, Chair

Martha Mosier, LCSW-S, Vice-Chair

Katie Andrade, LMSW

Megan Marie Graham, MA

Ben Morris, MEd

Audrey Ramsbacher, LBSW

Asia Rodgers

Dolores Saenz-Davila, LCSW-S

Jennifer Swords, LBSW

Member: Texas Behavioral Health Executive Council

Darrel D. Spinks

Executive Director, TBHEC

Sarah Faszholtz, MBA

Board Administrator, TSBSWE

MINUTES

Friday, July 9, 2021

The Texas State Board of Social Worker Examiners met via Zoom video conference on July 9, 2021. The following Board members were in attendance: Brian Brumley, LMSW-IPR, Chair; Martha Mosier, LCSW-S, Vice-Chair; Katie Andrade, LMSW; Ben Morris, MEd; Audrey Ramsbacher, LBSW; Asia Rodgers; and Dolores Saenz-Davila, LCSW-S. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Andrew Hurt, BHEC Staff Attorney; John Bridges, BHEC Staff Attorney; Brenda Skiff, BHEC Executive Assistant; and Sarah Faszholtz, TSBSWE Board Administrator.

1. The meeting was called to order at 8:37 a.m. by Chair Brumley.
2. The Board considered Item 2: approval of the April 2, 2021 Board meeting minutes. Ms. Mosier made the motion to approve the minutes. Ms. Ramsbacher seconded the motion. The minutes were approved.
3. The Board considered Item 3: Discussion and possible action concerning preparation and maintenance of meeting minutes or recording of each open meeting per Texas Government Code, §§551.021 and 551.022. Ms. Mosier made the motion to record the Board's meetings and post them for public viewing. Ms. Ramsbacher seconded the motion. The motion carried.
4. The Board considered Item 4: Board review and possible action regarding appeals of application for licensure denials, including
 - A. Steven Johnson: Mr. Johnson attended and had opportunity to address the Board. Ms. Mosier made the motion to deny the application per statute. Mr. Morris seconded the motion. The motion carried.
 - B. Otha Norton: Mr. Norton did not attend. Ms. Mosier made the motion to deny the application. Mr. Morris seconded the motion. The motion carried.
5. The Board considered Item 5: Board review and possible action regarding agreed orders to be executed by the Board. Ms. Faszholtz reported there were none.
6. The Board considered Item 6: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH), including proposal for decision in the matter of Kimberly Hanchett (SOAH Docket #510-21-0627). Ms. Hanchett and her attorney, Nekketta Archie, attended and had opportunity to address the Board. Ms. Mosier made the motion to recommend to the Texas Behavioral Health Executive Council that Ms. Hanchett's LBSW #65958 be revoked as of its expiration date November 30, 2021. Ms. Ramsbacher seconded the motion. The motion carried.
7. The Board considered Item 7: Report of agreed orders executed by the Council's Executive Director. Ms. Faszholtz and staff provided the written report.
8. The Board considered Item 8: Report of cases dismissed by the Council's Executive Director. Ms. Faszholtz and staff provided the written report.

9. The Board considered Item 9: Status report of quarterly enforcement case activities. Ms. Faszholz and staff provided the report written report.
10. The Board considered Item 10: Report of compliance with agreed orders. Ms. Faszholz and staff provided the written report.
11. The Board considered Item 11: Report from Committee Chairs:
 - A. Report from Ethics Committee Chair Mr. Brumley. Ms. Andrade was assigned to the Ethics Committee.
 - B. Report from Licensing Standards and Qualification Committee Chair Ms. Mosier.
 - C. Report from Professional Development Committee Chair Mr. Brumley.
 - D. Report from Rules Committee Chair Ms. Mosier. Ms. Swords was assigned to the Rules Committee.
12. The Board considered Item 12: Discussion and possible action regarding jurisprudence exam:
 - A. Ms. Faszholz provided the vendor's written quarterly summary for the Texas State Board of Social Worker Examiners' Jurisprudence Exam.
 - B. Ms. Faszholz reported progress on implementing changes in the Board's Jurisprudence Exam.
13. The Board considered Item 13: Discussion and possible action regarding recommendation to the Texas Behavioral Health Executive Council concerning amendments to 22 Texas Administrative Code (22 TAC):
 - A. The Board considered recommending repeal of §781.206, concerning *Board Minutes* to align with operations because Board voted to post recording of meetings instead of creating and posting meeting minutes. Ms. Ramsbacher made the motion to recommend the Council publish proposed rules to repeal §781.206. Ms. Mosier seconded the motion. The motion carried.
 - B. The Board considered recommending changes to §781.401 concerning *Qualifications for Licensure* to implement Board policy that at least one site must provide a minimum of four hours per week in which the LMSW delivers assessment, diagnosis, and treatment; to remove redundant text that requires supervised experience to occur no earlier than five years before date application for LCSW is received; and to remove text concerning requirements for Licensed Master Social Worker-Advanced Practitioner (LMSW-AP). Ms. Ramsbacher made the motion to recommend the Council publish proposed changes to §781.401. Ms. Andrade seconded the motion. The motion carried.
 - C. The Board considered recommending changes to §781.404, concerning *Recognition as a Council-approved Supervisor and the Supervision Process* to clarify minimum requirement for supervision hours; to delete sentence defining "month"; and to remove certain references to requirements for LMSW-AP. Ms. Saenz-Davila made the motion to recommend the Council publish proposed changes to §781.404. Ms. Ramsbacher seconded the motion. The motion carried.
 - D. The Board considered recommending changes to §781.406(c)(3), regarding *Required Documentation of Qualifications for Licensure* to ease reinstatement application requirements such that supervised experience must have occurred within the five calendar years immediately preceding the date of an initial or upgrade application. Ms. Ramsbacher made the motion to recommend the Council publish proposed changes to §781.406. Ms. Saenz-Davila seconded the motion. The motion carried.
 - E. The Board considered §781.412(b) and (c), concerning *Examination Requirement*, to align with recent operational changes that moved pre-authorization process to register for exam from the Council to ASWB, and with the Council's §882.6 *Limitation on Number of Examination Attempts*. The rule change also allows staff to accept an applicant's ASWB national examination score that is dated no more than two years before the date the initial or upgrade application is received. Ms. Saenz-Davila made the motion to recommend the Council publish proposed changes to §781.412. Ms. Ramsbacher seconded the motion. The motion carried.
14. The Board considered Item 14: Discussion and possible action concerning "safe-harbor" forms: Clinical Supervision Plan and Non-Clinical Supervision Plan for Independent Practice Recognition. Director Spinks explained these forms provide a sample by which the supervisor and supervisee might assure that minimum

standards have been satisfied. Ms. Mosier made the motion to approve the “safe harbor” forms and post them for public use. Ms. Ramsbacher seconded the motion. The motion carried.

15. The Board considered Item 15: Discussion and possible action regarding news reports of migrant children held at the border. Ms. Rodgers initiated the discussion. Chair Brumley and Ms. Mosier encouraged social workers to develop skills and associations or other entities to develop continuing education and other training specific to the practice with migrant children. Chair Brumley noted the Board’s ongoing role in addressing complaints involving this vulnerable population. No action was taken.
16. The Board considered Item 16: Report from the Board Chair. Chair Brumley gave the report, thanking the attorneys and staff for their work.
17. The Board considered Item 17: Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Council. Ms. Faszholz and staff provided written report. Chair Brumley and Mr. Morris noted next Council meeting is scheduled for August 24, 2021.
18. The Board considered Item 18: Discussion and possible action regarding Attorney General opinion regarding Council's authority to adopt rules to impose disciplinary action for certain discriminatory conduct by licensees. The Board moved into Executive Session (closed meeting) per Texas Government Code §551.071 at 10:14 a.m. The Board returned from Executive Session at 10:59 a.m. No action was taken.
19. The Board considered Item 19: Report from the Board Administrator. Ms. Faszholz gave the report.
20. The Board considered Item 20: Discussion and possible action regarding future priorities and activities of the Board. No action was taken.
21. The Board opened Item 21: Public comment:
 - A. Will Francis, LMSW, Executive Director for National Association of Social Workers, Texas Chapter (NASW-TX), thanked the Board for its decision today to keep the code of conduct intact, the board members for their service on the Board and their commitment to the principles of social work, and the many LCSWs he coordinated to provide input on the “safe harbor” forms; stated that NASW has background materials on migrant children; thanked BHEC staff for their work; noted he is searching for alternative to term “upgrade application”; and expressed ongoing concern about length of complaint process.
 - B. Sandra Martin, MA, LPC, Government Liaison for Christian Counselors of Texas (CCT), thanked the Board for the best possible result concerning the code of conduct and Attorney General opinion in that not everyone will be satisfied but everyone will be protected.
 - C. Kathy Rider, LCSW-S, Governmental Affairs Chair, Texas Society for Clinical Social Work (TXSCSW), thanked the Board for its service and efforts in upholding the values of antidiscrimination, which are the core values of social workers across the United States; suggested “recategorize” instead of “upgrade” in terms of applications; and supported the Board’s and BHEC’s efforts to reduce complaint resolution times.
 - D. Virginia Manuel, LMSW-AP (retired), appreciated the Board’s defense of the current social work code of conduct and opposition of any discrimination; and thanked the Board for its hard work and thoughtful deliberations.
 - E. Steven Parks, LCSW-S, echoed others’ comments; thanked the Board for preserving antidiscrimination within the code of conduct; requested more resources toward timely resolution of complaints; and thanked the Board for the opportunity to provide comment.
22. The Board considered Item 22: Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events. Chair Brumley advised visiting Association of Social Work Boards’ website (ASWB.org) for their upcoming events. Ms. Rider noted TXSCSW (txscsw.com) virtual conference is scheduled for October 2, 2021. Director Spinks will serve on Council of State Governments’ SW Compact Technical Assistance Group on October 4 and 5, 2021 in Washington DC. Next

SW Board meeting is scheduled for October 8, 2021. Mr. Francis confirmed NASW-TX (naswtx.org) virtual conference is scheduled for October 21 to 23, 2021.

23. The meeting was adjourned at 11:41 a.m. by Chair Brumley.